

REMARKS

In the May 16, 2006 Office Action, claims 1, 17, 18, and 20 stand rejected in view of prior art, while claims 2-9, 19, and 21 were indicated as containing allowable subject matter, and claims 14-16 and 22-33 were allowed. Claims 10-13 were withdrawn for being directed to a non-elected embodiment. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the May 16, 2006 Office Action, Applicants have amended claims 1, 3-9, 13, 17, 19, and 21 and cancelled claim 2. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. Claims 1 and 3-33 are pending, with claims 1, 14-17, 19, 21-29, 32, and 33 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Rejections - 35 U.S.C. § 102

In item 2 of the Office Action, claims 1, 17, and 18 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,571,193 (Unuma et al.). In response, Applicants have amended claims 1 and 17.

Specifically, claim 1 now recites the limitations of claim 2, which were indicated by the Examiner as containing allowable subject matter. The Examiner stated reasons for the allowance of the limitations recited in claim 2 in the December 23, 2005 Office Action. Applicants agree with these reasons.

Claim 17 now recites a method in which a first acceleration sensor detects an acceleration caused substantially by a movement of a forearm during walking to output a first body motion signal, and a second acceleration sensor detects an acceleration caused

substantially by a movement of the forearm during running to output a second body motion signal. As seen in Figure 1 of Unuma et al., Applicants respectfully assert that Unuma et al. disclose an acceleration sensor mounted on a wrist and one mounted on a waist. Thus, Applicants respectfully assert that Unuma et al. fail to disclose or to suggest arranging two acceleration sensors, one of which is configured to detect acceleration by movement of the forearm during walking, and one of which is configured to detect acceleration by movement of the forearm during running as recited in claim 17 of the present application.

Clearly, this structure is *not* disclosed or suggested by Unuma et al. or any other prior art of record. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each element of the claim within the reference. Therefore, Applicants respectfully submit that claims 1 and 17, as now amended, are not anticipated by the prior art of record. Withdrawal of the rejections is respectfully requested.

Moreover, Applicants believe that dependent claim 18 is also allowable over the prior art of record in that it depends from independent claim 17, and therefore is allowable for the reasons stated above. The dependent claim is further allowable because it includes additional limitations. Thus, Applicants believe that since the prior art of record does not anticipate the independent claim 17, neither does the prior art anticipate the dependent claim.

Applicants respectfully request withdrawal of the rejections.

Rejections - 35 U.S.C. § 103

In item 4 of the Office Action, claim 20 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,571,193 (Unuma et al.) in view of U.S. Patent No. 6,418,181 (Nissila). In response, Applicants have amended independent claim 17 as mentioned above, and believes it allowable over Unuma et al. for the reasons stated above.

Further, as seen in Figure 7 and column 4, lines 41-45 of Nissila, Applicants respectfully assert that Nissila discloses the use of a single sensor on a wrist to measure arm swing. Thus, Applicants respectfully assert that Nissila fails to disclose or to suggest arranging two acceleration sensors, one of which is configured to detect acceleration by movement of the forearm during walking, and one of which is configured to detect acceleration by movement of the forearm during running. Since neither reference discloses or suggests this feature, Applicants respectfully assert that the combination also fails to disclose or to suggest this feature.

Clearly this arrangement is *not* disclosed or suggested by the prior art of record. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art *suggests* the desirability of the modification. Accordingly, the prior art of record lacks any suggestion or expectation of success for combining the patents to create the Applicants' unique arrangement.

Moreover, Applicants believe that claim 20 is also allowable over the prior art of record because it depends from independent claim 17, and therefore is allowable for the reasons stated above. Also, dependent claim 20 is further allowable because it includes additional limitations. Thus, Applicants believe that since the prior art of record does not disclose or suggest the invention as set forth in independent claim 17, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claim.

Therefore, Applicants respectfully request that this rejection be withdrawn in view of the above comments and amendments.

Allowable Subject Matter

In items 5 and 6 of the Office Action, claims 14-16 and 22-33 were indicated as allowed and claims 2-9, 19, and 21 were indicated as containing allowable subject matter.

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Amendment dated August 9, 2006
Reply to Office Action of May 16, 2006

Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. In response, Applicants have amended claim 1 to recite the limitations of claim 2, and have cancelled claim 2. Further, Applicants have placed claims 19 and 21 in independent form.

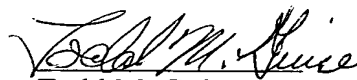
Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicants believe that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1 and 3-33 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,


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